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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,694	02/27/2004	Joseph A. Zupanick	067083.0288	6999
26231	7590	09/11/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			STEPHENSON, DANIEL P	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,694

Applicant(s)

ZUPANICK, JOSEPH A.

Examiner

Daniel P. Stephenson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-14, 20-24 and 27 is/are rejected.
- 7) ☒ Claim(s) 4-7, 15-18, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/2/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 9-11, 22-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by the WIPO document '455 to Zupanick et al. (hereafter WIPO '455). WIPO '455 (figures 5 and 7A) discloses a system for accessing a subterranean zone from an entry well. It has an entry well (210) extending from the surface, the entry well having a substantially vertical portion. There are one or more drainage wells (225, 235) extending from the entry well to a subterranean zone. Each drainage well has at least one slanted portion. There are one or more articulated wells (230) extending from the entry well to the subterranean zone. The articulated well intersects the drainage well at a junction (250) proximate the subterranean zone. There is a drainage pattern (50) formed through the articulated well that is coupled to the junction and operable to conduct fluid from the subterranean zone to the junction. There is an enlarged cavity formed in each drainage well proximate the subterranean zone. According to figure 5, there are two or three drainage and articulated wells radially spaced approximately equally around the entry well. Each articulate well intersects a disparate drainage well. The drainage pattern comprises a main well bore and a plurality of lateral well bores extending from the main well bore. The lateral wells are configured to drain an area of the subterranean zone of at least 640 acres.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 12, 13, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '455. WIPO '455 shows all the limitations of the present invention, except, it does not explicitly disclose that there is an inlet of a downhole pumping unit residing in the junction in the same embodiment as used above. In other embodiments within the document it does disclose the use of a downhole pump (80) residing within a junction to pump away fluid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the embodiments within WIPO '455. This would be done because it is common knowledge within the wellbore art to use a downhole pumping unit at a drainage sight to remove fluid.

5. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO '455 in view of Ohmer. WIPO '455 shows all the limitations of the claimed invention, except it does not disclose that the articulated or drainage wells are formed through the use of a guide tube bundle. Ohmer (figures 6A-6E) discloses using a guide tube when forming multilateral wellbores. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the bundles of Ohmer with the system and method of WIPO '455. This would be done to provide guidance for the drill.

Allowable Subject Matter

6. Claims 4-7, 15-18, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 6/21/06 have been fully considered but they are not persuasive.

It is the assertion of the applicant that the drainage and articulated wells of WIPO '455 as cited in the last office action, i.e. 230 being the drainage and 225,235 being the articulated, indicate that the wellbore pattern would be drilled through the drainage well as opposed to the articulated well which is presently claimed. The examiner agrees with this assertion. However, it is noted that if the wells were simply renamed as shown in the above rejection, i.e. the articulated well is now 230 and the drainage well is now 225,235, the result would meet the limitations of the claim. In addition, it is noted that the reference itself, WIPO '455, uses the term "articulated" when referencing each of the wellbores.

It is the assertion of the applicant that one embodiment of WIPO '455 would not be combined with another embodiment, wherein a pumping apparatus would be placed into the junction of the wellbores, because fluid is stated to be removed at a certain place (210) already. The examiner respectfully traverses this assertion. It is the opinion of the examiner that a pump may be placed at the junction (250) since this is referred to as a "drainage site" and since if there is not enough fluid flow from the formation then the fluid may not be able to travel through the wellbore 225 to the area where it is to be removed (210), thus necessitating another pump.

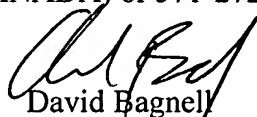
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

Art Unit: 3672

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 